

HOUSE BILL 2411

By Shaw

AN ACT to amend Tennessee Code Annotated, Title 3 and Title 50, relative to drug testing of members and staff of the general assembly.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 3, Chapter 1, Part 1, is amended by adding the following as a new section:

3-1-123.

(a) The speaker of the house of representatives and the speaker of the senate, in consultation with the minority leaders in each house of the general assembly, shall develop and implement a system for drug testing the members and staff of the general assembly. The system shall provide for the testing of a member of the general assembly or of any employee of the general assembly in a manner consistent with the provisions for a drug free workplace under title 50, chapter 9, subject to the limitations of this section. The general assembly shall be deemed to be a covered employer for the purposes of title 50, chapter 9, involving compliance with the provisions of this section. The expenses of the system may be paid from applicable accounts of the general assembly for official purposes.

(b) Any employee of the general assembly hired on and after January 1, 2013 shall be subject only to job applicant drug and alcohol testing under § 50-9-106(a)(1). The provisions of § 50-9-104(a)(1), (2) and (3), shall not be applicable to such employees who are tested under § 50-9-106(a)(1). For public employees, the testing under this section shall be limited to the extent permitted by the Tennessee and federal constitutions.

(c) Members of the general assembly elected on and after November 6, 2012 shall be tested in the same manner as a job applicant under § 50-9-106(a)(1) before the end of the organizational session of the general assembly or within two (2) weeks of having been sworn in to office. For any member of the general assembly who is subject to drug testing under this section, any refusal to submit to a drug test or any positive confirmed drug test shall be reported to the appropriate speaker for appropriate action. A member of the general assembly shall not be denied the seat to which the member was elected for a refusal to submit to a drug test or for a positive confirmed drug test, but the member may be subject to appropriate discipline by the appropriate house of the general assembly as permitted by the constitution of Tennessee and other applicable law.

SECTION 2. This act shall take effect July 1, 2012, the public welfare requiring it.